THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21305 of 2005

Dated 30.09.2005

Between:

Md.Quthbuddin, S/o.Raheemuddin,
O/o.AAER (Operation),

Northern Power Distribution Company of A.P. Ltd.,
Bheemgal (Rural), Bheemgal, Nizamabad district.

..... PETITIONER

AND

1 The Northern Power Distribution Company of A.P. Ltd., rep by its

Chief General Manager (HRD),
Subedari, Opp: REC Petrol Pump, Hanamkonda, Warangal. And

others

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21305 of 2005

Oral Order:

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The petitioner was employed as a lineman by the then A.P. Electricity Board. His next promotion is to the post of Line Inspector. The minimum educational qualification for that post is pass in 9th class. The petitioner claims to have passed in Urdu Alim. According to him, the Osmania University has treated the same as equivalent to SSC and despite the same, the respondents are not considering his case for promotion. He also feels aggrieved by the memo dated 9.5.2005 issued by the 2nd respondent stating that further action cannot be taken unless necessary

instructions are issued by the Corporate office. Hence, he seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The grievance of the petitioner is that the educational qualification held by him is not being treated as equivalent to pass in 9th class. It is not in dispute that the rule as it stands now treats 9th pass as the minimum qualification for promotion to the post of Line Inspector. It is true that in its letter dated 1.3.2004 addressed to the Principal Secretary to Government, Education Department, the Deputy Registrar of Osmania University clarified that Urdu Alim can be treated as equivalent to SSC. However, unless the appointing authority of the petitioner viz., the Northern Power Distribution Company Limited has treated the same as equivalent to 9th class for the purpose of promotion to the post of Line Inspector, respondents 2 and 3 cannot be expected to take any action. Either the rule needs to be amended or the rule making authority has to issue a clarification equating the qualification held by the petitioner to the one stipulated under the extant rules. In that view of the matter, no relief can be granted to the petitioner as of now. Respondents 2 and 3 can be required to correspond with the 1st respondent in this regard.

The Writ petition is accordingly disposed of directing that respondents 2 and 3 shall correspond with the 1st respondent as regards the equation of qualification held by the petitioner to the one stipulated under the relevant rules and take further action, based on the nature of clarification that may be issued in this regard. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

There shall be no order as to costs.

30..09..2005

msv